

## Bureau of Land Management, Interior

## Pt. 2560

### § 2547.7 Coordination with State and local governments.

At least 60 days prior to offering land for sale, the authorized officer shall notify the Governor of the State within which the lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which the lands are located that the lands are being offered for sale. The authorized officer shall also promptly notify such public officials of the issuance of the patent for such lands.

## PART 2560—ALASKA OCCUPANCY AND USE

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### Subpart 2568—Alaska Native Allotments for Certain Veterans

#### PURPOSE

- 2568.10 What Alaska Native allotment benefits are available to certain Alaska Native veterans?

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- 2568.20 What is the legal authority for these allotments?
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#### DEFINITIONS

- 2568.30 What terms do I need to know to understand these regulations?

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- 2568.40 Does BLM have the authority to ask me for the information required in these regulations?

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- 2568.50 What qualifications do I need to be eligible for an allotment?

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- 2568.60 May the personal representatives of eligible deceased veterans apply on their behalf?

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- 2568.61 What are the requirements for a personal representative?
- 2568.62 Under what circumstances does BLM accept the appointment of a personal representative?
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- 2568.64 Are there different requirements for giving an allotment to the estate of a deceased veteran?

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- 2568.70 If I am qualified for an allotment, when can I apply?
- 2568.71 Where do I file my application?
- 2568.72 When does BLM consider my application to be filed too late?
- 2568.73 Do I need to fill out a special application form?
- 2568.74 What else must I file with my application?
- 2568.75 Must I include a Certificate of Indian Blood as well as a Department of Defense verification of qualifying military service when I file my application with BLM?
- 2568.76 Do I need to pay any fees when I file my application?
- 2568.77 Do I have to post, on-the-ground, the land in my application?
- 2568.78 Will my application segregate the land for which I am applying from other applications or land actions?
- 2568.79 Are there any rules about the number and size of parcels?
- 2568.80 Does the parcel have to be surveyed before I can receive title to it?
- 2568.81 If BLM finds errors in my application, will BLM give me a chance to correct them?
- 2568.82 If BLM decides that I have not submitted enough information to show qualifying use and occupancy, will it reject my application or give me a chance to submit more information?

**AVAILABLE LANDS—GENERAL**

- 2568.90 If I qualify for an allotment, what land may BLM convey to me?
- 2568.91 Is there land owned by the Federal government that BLM cannot convey to me even if I qualify?
- 2568.92 [Reserved]
- 2568.93 Is there a limit to how much water frontage my allotment can include?
- 2568.94 Can I receive an allotment of land that is valuable for minerals?
- 2568.95 Will BLM try to reacquire land that has been conveyed out of Federal ownership so it can convey that land to a Native veteran?

**AVAILABLE LANDS—CONSERVATION SYSTEM UNITS (CSU)**

- 2568.100 What is a CSU?

- 2568.101 If the land I used and occupied is within a CSU other than a National Wilderness or any part of a National Forest, can I receive a title to it?
- 2568.102 Is the process by which the managing agency decides whether my allotment is not inconsistent with the CSU the same as other such determination processes?
- 2568.103 By what process does the managing agency of a CSU decide if my allotment would be consistent with the CSU?
- 2568.104 How will a CSU manager determine if my allotment is consistent with the CSU?
- 2568.105 In what situations could a CSU manager likely find an allotment to be consistent with the CSU?
- 2568.106 In what situations could a CSU manager generally find an allotment to be inconsistent with the purposes of a CSU?

**ALTERNATIVE ALLOTMENTS**

- 2568.110 If I qualify for Federal land in one of the categories BLM cannot convey, is there any other way for me to receive an allotment?
- 2568.111 What if BLM decides that I qualify for land that is in the category of Federal land that BLM cannot convey?
- 2568.112 What do I do if BLM notifies me that I am eligible to choose an alternative allotment?
- 2568.113 Do I have to prove that I used and occupied the land I've chosen as an alternative allotment?
- 2568.114 How do I apply for an alternative allotment if the CSU manager determines my application is inconsistent with a CSU?
- 2568.115 When must I apply for an alternative allotment if the CSU manager determines my application is inconsistent with a CSU?

**APPEALS**

- 2568.120 What can I do if I disagree with any of the decisions that are made about my allotment application?
- 2568.121 If an agency determines my allotment is inconsistent with the purposes of a CSU, what can I do if I disagree?
- 2568.122 What then does the CSU manager do with my request for reconsideration?
- 2568.123 Can I appeal the CSU Manager's reconsidered decision if I disagree with it?

**AUTHORITY:** 43 U.S.C. 1601 *et seq.* (ANCSA), as amended; Section 432 of Public Law 105-276, 43 U.S.C. 1629g; Section 301 of Public Law 106-559; the Native Allotment Act of 1906, 34 Stat. 197, as amended, 42 Stat. 415, 70 Stat. 954, 43 U.S.C. 270-1 through 270-3 (1970).

**EFFECTIVE DATE NOTE:** At 71 FR 54202, Sept. 14, 2006, the authority citation for part

## Bureau of Land Management, Interior

## § 2561.1

2560 was amended, effective Oct. 16, 2006. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 43 U.S.C. 1629g(e).

### Subpart 2561—Native Allotments

SOURCE: 35 FR 9597, June 13, 1970, unless otherwise noted.

#### § 2561.0-2 Objectives.

It is the program of the Secretary of the Interior to enable individual natives of Alaska to acquire title to the lands they use and occupy and to protect the lands from the encroachment of others.

#### § 2561.0-3 Authority.

The Act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 43 U.S.C. 270-1 to 270-3), authorizes the Secretary of the Interior to allot not to exceed 160 acres of vacant, unappropriated, and unreserved nonmineral land in Alaska or, subject to the provisions of the Act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376-377), of vacant, unappropriated, and unreserved public land in Alaska that may be valuable for coal, oil, or gas deposits, or, under certain conditions, of national forest lands in Alaska, to any Indian, Aleut or Eskimo of full or mixed blood who resides in and is a native of Alaska, and who is the head of a family, or is twenty-one years of age.

#### § 2561.0-5 Definitions.

As used in the regulations in this section.

(a) The term *substantially continuous use and occupancy* contemplates the customary seasonality of use and occupancy by the applicant of any land used by him for his livelihood and well-being and that of his family. Such use and occupancy must be substantial actual possession and use of the land, at least potentially exclusive of others, and not merely intermittent use.

(b) *Allotment* is an allocation to a Native of land of which he has made substantially continuous use and occupancy for a period of five years and which shall be deemed the *homestead* of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable

except as otherwise provided by the Congress.

(c) *Allotment Act* means the Act of May 17, 1906 (34 Stat. 197), as amended (48 U.S.C. 357, 357a, 357b).

#### § 2561.0-8 Lands subject to allotment.

(a) A Native may be granted a single allotment of not to exceed 160 acres of land. All the lands in an allotment need not be contiguous but each separate tract of the allotment should be in reasonably compact form.

(b) In areas where the rectangular survey pattern is appropriate, an allotment may be in terms of 40-acre legal subdivisions and survey lots on the basis that substantially continuous use and occupancy of a significant portion of such smallest legal subdivision shall normally entitle the applicant to the full subdivision, absent conflicting claims.

(c) Allotments may be made in national forests if founded on occupancy of the land prior to the establishment of the particular forest or if an authorized officer of the Department of Agriculture certifies that the land in the application for allotment is chiefly valuable for agricultural or grazing purposes.

(d) Lands in applications for allotment and allotments that may be valuable for coal, oil, or gas deposits are subject to the regulations of § 2093.4 of this chapter.

#### § 2561.1 Applications.

(a) Applications for allotment properly and completely executed on a form approved by the Director, Bureau of Land Management, must be filed in the proper office which has jurisdiction over the lands.

(b) Any application for allotment of lands which extend more than 160 rods along the shore of any navigable waters shall be considered a request for waiver of the 160-rod limitation (see part 2094 of this chapter).

(c) If surveyed, the land must be described in the application according to legal subdivisions and must conform to the plat of survey when possible. If unsurveyed, it must be described as accurately as possible by metes and bounds and tied to natural objects. On unsurveyed lands, the application